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Paper No. 8

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APR 24 2002

OFFICE OF PETITIONS

In re Application of	:	
Stevens, et al.	:	
Application No. 09/845,769	:	DECISION ACCORDING STATUS
Filed: May 2, 2001	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 06998-074001	:	

This is in response to the petition pursuant to 37 CFR 1.47(a), filed January 22, 2002.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on May 2, 2001, without an executed oath or declaration. Accordingly, on June 22, 2001, the Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application. This Notice set a two month period for reply.

In reply, applicant filed the instant petition (and fee) and paid the surcharge for late filing of the declaration. Applicant included a declaration signed by inventors Daniell Stevens, Joel M. Gould, Michael J. Newman, Charles E. Ingold, and Allan Gold, but lacking signatures from inventors Robert Roth, Dean Sturtevant, and David Abrahams.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventors.

On petition, attorney Diana DiBerardino included a declaration from Patri J. Pugliese, in which Pugliese detailed the transmittal of the application papers to non-signing inventors Roth, Sturtevant, and Abrahams. According to Pugliese, no response from Roth, Sturtevant, or Abrahams has been received.

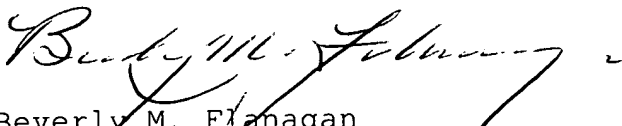
The declaration filed January 22, 2002 and the petition have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the

address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continuation of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy